S.B. Civil Writ Petition No.2188/06
Shailendra Kumar Sharma Vs. State & Anr.

Date of Order : 07/04/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. K.C. Sharma, for petitioner

The petitioner, who is working as Hostel Superintendent, was fixed on completion of 9 years of service in first selection scale vide order Ann.1 in the scale of Rs.975-1720 which was questioned by the petitioner by filing appeal before the Tribunal with the grievance that others who are similarly situated were fixed in higher pay scale. The learned Tribunal vide order dt.23rd June, 1999 disposed of the appeal with the direction to make representation before the concerned authority who will consider his grievance. The respondents have passed further order of second selection scale on completion of 18 years of service vide order Ann.9.

Shri Sharma, counsel for petitioner contends that despite representation submitted by him in compliance of the order of Tribunal, no effective order was passed by the Government/concerned authority and the same still remain undecided and despite the same, he has been further fixed in lower pay scale on completion of 18 years of service, which is causing financial loss to him.

In my opinion, the learned Tribunal disposed of the appeal way back in 1999 and if at all the representation furnished by him was not disposed of, he has every right to complaint before the Tribunal.

So far as further fixation made on completion of 18 years of service is concerned, if at all the petitioner is aggrieved, in my opinion, is always free to raise his grievance by filing appeal under the Act of 1976 before the Tribunal which provides efficacious alternative remedy to him. I am not inclined to exercise extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Consequently, this writ petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB